

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**DARRELL L. BRYANT,**

**and**

**GIFTY KUSI,**

**Defendants.**

**CASE NO. 2:17-cr-146**

**JUDGE MARBLEY**

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**UNITED STATES RESPONSE IN OPPOSITON TO DEFENDANT DARRELL BRYANT’S  
MOTION FOR RELEASE OR FURLOUGH**

Now comes the United States of America, by and through its counsel, Assistant United States Attorneys Kenneth F. Affeldt and Maritsa A. Flaherty, and respectfully requests this Court to deny Defendant Darrell Bryant’s motion for release or furlough. The reasons for the United States’ request are set forth in the attached memorandum.

Respectfully submitted,

BENJAMIN C. GLASSMAN  
United States Attorney

s/Kenneth F. Affeldt  
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MEMORANDUM

On July 6, 2017, Defendants Darrell Bryant and Gifti Kusi were each charged with one count of conspiracy to commit health care fraud in violation of 18 U.S.C. §1349, and four counts of health care fraud in violation of 18 U.S.C. §1347. On July 24, 2017, Magistrate Judge Jolson released defendants on a personal recognizance bond pending trial with several conditions of release, including that defendants not violate any federal, state or local law. Trial commenced on December 3, 2018, and on December 18, 2018, the jury returned verdicts of guilty for both defendants on Counts 1,3,4 &5, and acquitted defendants on Count 2. The court graciously continued Defendants bond under the previous conditions, including that the defendant not engage in criminal activity, to allow defendants to get their business and personal affairs in order prior to sentencing. The court released the defendants only after they each represented that they were no longer operating a Suboxone Clinic and interacting with patients. However, on March 21, 2019, Defendant Darrell Bryant's bond was revoked by this Court after the government presented evidence that Defendant Bryant continued to operate a suboxone clinic, Alexander Recovery Center, in violation of the law and conditions of bond.

Defendant Bryant now requests release from incarceration until sentencing, or in the alternative, a six week furlough to attend the birth of his child and to care for his family.

The United States opposes defendant's release based on his history of dismissing court orders and engaging in criminal activity. Specifically, defendant was instructed and admonished not to engage in any criminal activity on two separate occasions, once by Magistrate Judge Jolson during his initial bond hearing, and then a second time by this Court following the jury's verdicts of guilty. Notwithstanding the warnings by the Court, the defendants continued to engage in criminal conduct by surreptitiously operating Alexander Recovery and directing staff

to distribute pre-signed prescriptions for suboxone to patients when no physicians were at the facility. Defendant Bryant continued to operate Alexander Recovery Center even though he had specifically represented to the Court that he only interacted with the clinic one day a week to assist with staffing and scheduling.

Defendant Bryant for the third time is now representing to the Court that he will refrain from engaging in criminal conduct if released on bond. Because of defendant's history of deceptive conduct and failure to follow court orders, the United States believes that Defendant Bryant will commit further violations of the law if he is released from custody and provided an opportunity to engage in criminal activity. Wherefore, the United States respectfully request that defendant's motion for release or furlough be denied.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing United States Response to Defendant Darrell Bryant's Motion for Release or Furlough was served this 12<sup>th</sup> day of June, 2019, electronically on counsel of record.

/s/ Kenneth F. Affeldt  
KENNETH F. AFFELDT (0052128)  
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